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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,752

07/23/2003

Steven Weinstein

TVW/APP23USC1

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7590

08/04/2009

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EXAMINER

STOKELY-COLLINS, JASMINE N

ART UNIT

PAPER NUMBER

2423

MAIL DATE

DELIVERY MODE

08/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/625,752	Applicant(s) WEINSTEIN ET AL.	
	Examiner JASMINE STOKELY-COLLINS	Art Unit 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7,8,10,11,13-16,18-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,10,11,13-16,18-21 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/8/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/8/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 1, the applicant argues that the amended claims are distinguishable over Patterson in that the claim 1 has been amended to refer to how the interactive information is presented in relation to the broadcast portion of the display (as captured in one embodiment – e.g. Fig. 2A, see also specification: pg. 13-14).

The examiner disagrees; as this limitation appears to be captured in the claims merely as, “wherein said interactive information is presented at an edge of said broadcast portion and does not obscure said broadcast information” which the examiner interprets to mean the interactive information (which is Internet data in Patterson col. 3 ll. 60-64) is displayed against one of the edges framing the broadcast/television picture. Patterson teaches that a split-screen may be used as an alternative to PiP for displaying Internet data. A split screen is embodied as a plurality of windows connected by their

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edges, and therefore the Internet split screen would be presented at an edge of the broadcast information.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Patterson (US 5,923,379).

Regarding claim 1, Patterson teaches an information system, comprising:
a controller (fig. 3 microprocessor 26), configured to generate an image representative signal adapted for use by a display device (col. 3 ll. 21-23);
a broadcast interface configured to provide broadcast information received from a broadcast signal to the controller (fig. 3: elements 12-16); and
an interactive information interface configured to retrieve interactive information from the web and to provide the interactive information to said controller (fig. 3 modem 40);

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an input device interface configured to receive user input and to provide the received user input to said controller (col. 3 ll. 11-14, 54-56); and
a data memory configured to store user preferences (PIP capabilities col. 3 ll. 57-60);

wherein said controller is configured to obtain said interactive information in response to said user input and broadcast information in response to said user input (col. 3 ll. 60-col. 4 ll. 1), said controller being further configured to generate said image representative signal such that corresponding presented imagery includes: an interactive portion containing said interactive information (Internet data), and a broadcast portion containing said broadcast portion, wherein said interactive and said broadcast portions are formatted according to said user preferences (col. 3 ll. 60-col. 4 ll. 2); and

wherein said interactive information is presented at an edge of said broadcast portion and does not obscure said broadcast information (col. 4 ll. 1-2 teach using a split screen as an alternative to PIP).

Regarding claim 16, Patterson teaches a method of displaying information comprising: initializing a display system; receiving selected web content; receiving broadcast content; receiving user preferences (which stream to display in PIP and which to display in the main window); formatting the received web content and the received broadcast content into video information according to said user preferences; and displaying video information to simultaneously

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produce interactive information (col. 3 ll.11-14, 48-50, 57-col. 4 ll. 1) and a television broadcast (figure 8c);

transmitting to a display the video information to simultaneously produce interactive information including the received selected web content in an interactive portion of the display and a television broadcast in a broadcast portion of the display (col. 3 ll. 57-col. 4 ll. 2);

wherein said interactive information is presented at an edge of the broadcast portion and does not obscure said broadcast portion (col. 4 ll. 1-2).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 9, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US 5,923,379) in view of Kikinis (US 5,929,849).

Regarding claim 2, when read in light of claim 1, Patterson teaches the information system of claim 1.

Patterson does not teach said broadcast signal comprises a hyperlink associated with said interactive information and the controller is configured to

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cause interactive content corresponding to the hyperlink to be retrieved through the interactive information interface and displayed in the interactive portion.

In related art, Kikinis teaches sending URLs with broadcast television (abstract), in which activation of a hyperlink, such as the BMW icon shown in fig. 2C, results in a window displaying a BMW webpage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include hyperlinks with the broadcast information sent in Patterson for the benefit of enhancing the viewer's experience by providing opportunities to surf webpages related to the television programming.

Regarding claim 15, when read in light of claim 1, Patterson teaches the information system of claim 1.

Patterson does not teach the controller is configured to determine whether any web content is referenced in the broadcast information and, in response to determining that web content is referenced in the broadcast information, causing the interactive information interface to retrieve the web content referenced in the broadcast information and causing such web content to be displayed in the interactive portion.

Kikinis teaches the controller is configured to determine whether any web content is referenced in the broadcast information and, in response to determining that web content is referenced in the broadcast information, causing the interactive information interface to retrieve the web content referenced in the

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broadcast information and causing such web content to be displayed in the interactive portion (col. 7 ll. 48-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a user selectable element that would allow a user to access webpages related to broadcast programming for the benefit of enhancing the viewing experience with supplemental information.

Regarding claim 24, when read in light of claim 16, please see analysis of claim 15.

5. Claims 7-8, 13, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US 5,923,379) in view of White et al (US 6,034,689).

Regarding claim 7, when read in light of claim 1, Patterson teaches the information system of claim 1 wherein said interactive portion of said imagery is displayed in a first image panel and said broadcast portion of said imagery comprises broadcast video imagery displayed in a second image panel (col. 3 ll. 57-col. 4 ll. 1).

Patterson does not teach said interactive portion of said imagery comprises a plurality of interactive controls.

White teaches that a web page shown on a television screen may contain selectable hypertext objects (which are interactive controls because they cause a

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web browser to navigate to a web page when activated) (col. 13 ll. 57- col. 14 ll. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the ability to display and interact with hypertext objects and links within a webpage displayed on a television for the benefit of allowing full internet browsing capabilities on a television system. This gives the user the ability to “surf” the internet and peruse interesting links that may appear in a displayed webpage.

Regarding claim 8, when read in light of claim 1, Patterson teaches the information system of claim 1.

Patterson does not teach said interactive portion comprises a plurality of discrete web objects including links to other web pages.

White teaches that a web page shown on a television screen may contain selectable hypertext objects (discrete web objects) (col. 13 ll. 57- col. 14 ll. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the ability to display and interact with hypertext objects and links within a webpage displayed on a television for the benefit of allowing full internet browsing capabilities on a television system. This gives the user the ability to “surf” the internet and peruse interesting links that may appear in a displayed webpage.

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Regarding claim 13, when read in light of claim 1, Patterson teaches the information system of claim 1.

Patterson does not teach said information comprises a plurality of web objects that are displayed in separate sub-regions of the interactive portion.

White teaches that a web page shown on a television screen may contain selectable hypertext objects web objects) (col. 13 ll. 57- col. 14 ll. 4) shown in different regions of the interactive webpage (fig. 4A shows we object and hyperlinks throughout a webpage). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the ability to display and interact with hypertext objects and links within a webpage displayed on a television for the benefit of allowing full internet browsing capabilities on a television system. This gives the user the ability to “surf” the internet and peruse interesting links that may appear in a displayed webpage. Further, it would have been obvious for those objects to be separated so that a user may see them clearly and distinctly.

Regarding claim 18, when read in light of claim 16, please see analysis of claim 7.

Regarding claim 19, when read in light of claim 16, please see analysis of claim 8.

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6. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US 5,923,379) in view of Johnson et al (US 5,130,800).

Regarding claim 10, when read in light of claim 1, Patterson teaches the information system of claim 1.

Patterson does not explicitly teach the controller is configured to resize the broadcast information to fit within the broadcast portion.

Johnson teaches a method of displaying multiple windows on a television screen in which the picture in each window is compressed to fit the entire content in the displayed portion of the window (col. 2 ll. 57-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to resize the images to fit within the windows for the benefit of allowing a user to see the entire broadcast picture.

Regarding claim 21, when read in light of claim 16, please see analysis of claim 10.

7. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US 5,923,379) in view of Hoarty et al (US 6,305,020 B1).

Regarding claim 11, when read in light of claim 1, Patterson teaches the information system of claim 1.

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Patterson does not teach at least one of said user preferences stored in said data memory comprises a home web page that is retrieved and displayed in said interactive portion upon initialization of the information system.

Hoarty teaches a cable television system with Internet browser capabilities in which a beginning display that shows a login followed by a home page for the user (figs. 7a-7b and col. 8 ll. 27-52). It would have been obvious to provide a login screen and home page in the Internet browser interface taught by Patterson for the benefit of customizing the available content to each user's needs.

Regarding claim 20, when read in light of claim 16, please see analysis of claim 11.

8. Claims 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US 5,923,379) in view of Hidary et al (US 5,774,664).

Regarding claim 14, when read in light of claim 1, Patterson teaches the information system of claim 1.

Patterson does not teach the controller is configured to determine whether any broadcast content is referenced in the interactive information and, in response to determining that broadcast content is referenced in the interactive information, causing said broadcast interface to tune to said referenced broadcast content.

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Hidary teaches a television system with internet browsing capabilities in which hyperlinks on websites accessed on the television can automatically tune the television to an associated channel (col. 8 ll. 61- col. 9 ll. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow webpages to access broadcasting content for the benefit of showing a user content related to a viewed website that requires access through a broadcasting interface.

Regarding claim 23, when read in light of claim 16, please see analysis of claim 14.

9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US 5,923,379) in view of Nakano et al (US 5,745,109).

Regarding claim 25, Patterson teaches an information system, comprising: a controller (fig. 3 microprocessor 26), configured to generate an image representative signal adapted for use by a display device (col. 3 ll. 21-23); a broadcast interface configured to provide broadcast information received from a broadcast signal to the controller (fig. 3: elements 12-16); and an interactive information interface configured to retrieve interactive information from the web and to provide the interactive information to said controller (fig. 3 modem 40);

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an input device interface configured to receive user input and to provide the received user input to said controller (col. 3 ll. 11-14, 54-56); and
a data memory configured to store user preferences (PIP capabilities col. 3 ll. 57-60);

wherein said controller is configured to obtain said interactive information in response to said user input and broadcast information in response to said user input (col. 3 ll. 60-col. 4 ll. 1), said controller being further configured to generate said image representative signal such that corresponding presented imagery includes: an interactive information containing said interactive information, and a broadcast portion containing said broadcast portion, wherein said interactive and said broadcast portions are formatted according to said user preferences (col. 3 ll. 60-col. 4 ll. 2).

Patterson does not teach said interactive information is presented in a translucent overlay region over the broadcast portion, wherein the translucent overlay region does not substantially obscure the broadcast region.

Nakano teaches making a window transparent over a background image (Figure 6A). It would have been obvious to one ordinarily skilled in the art, at the time the invention was made, to combine the teachings of Patterson and Nakano in order to simultaneously view both windows by seeing the broadcast image through the interactive window (as stated by Nakano column 5 lines 58-60) and therefore being able to maximize the viewing area of the broadcast image.

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10. Claims 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US 5,923,379) in view of Nakano et al (US 5,745,109), and further in view of White et al (US 6,034,689).

Regarding claim 26, when read in light of claim 25, Patterson in view of Nakano teaches the information system of claim 25.

Patterson does not teach said interactive portion comprises a plurality of web objects.

White teaches that a web page shown on a television screen may contain selectable hypertext objects (web objects) (col. 13 ll. 57- col. 14 ll. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the ability to display and interact with hypertext objects and links within a webpage displayed on a television for the benefit of allowing full internet browsing capabilities on a television system. This gives the user the ability to “surf” the internet and peruse interesting links that may appear in a displayed webpage.

Regarding claim 29, see analysis of claim 26.

11. Claims 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US 5,923,379) in view of Nakano et al (US 5,745,109), and further in view of Gerace (US 5,848,396).

Regarding claim 27, when read in light of claim 25, Patterson in view of Nakano teaches the information system of claim 25.

Patterson in view of Nakano does not teach the interactive information presented in the translucent overlay region comprises an animated ticker. Tickers are known in the art and are common web objects. They are common on news websites, email websites, and web provider homepages. Gerace teaches customized tickers for an Internet user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user access to web tickers on Internet pages accessed through the Internet capabilities of Patterson in view of Nakano for the benefit of providing information about news, stocks, sport, etc in a condensed manner.

Regarding claim 30, see analysis of claim 27.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASMINE STOKELY-COLLINS whose telephone number is (571) 270-3459. The examiner can normally be reached on M-Th 9:30-5:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jasmine Stokely-Collins/
Examiner, Art Unit 2423

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423